

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CARRIE A. ANDERSON, individually
and as Personal Representative of the
Estate of Kirk Daniel Powless, et al.,

Plaintiffs,

v.

WHATCOM COUNTY, et al.,

Defendants.

C20-1125 TSZ

ORDER

The parties having advised the Court that this matter has settled in principle, the Court ORDERS as follows:

(1) No response to Paragraph 3 of the Minute Order entered November 3, 2021, docket no. 102, having been filed, and plaintiffs having not shown cause why their claims against defendants John Does 5–10 should not be dismissed for failure to timely identify and join such individuals, plaintiffs’ claims against defendants John Does 5–10 are DISMISSED. See Fed. R. Civ. P. 41(b).

(2) The parties’ agreed motion, docket no. 123, for appointment of an independent guardian ad litem, pursuant to Local Civil Rule 17(c), for plaintiffs M.Q.,

1 G.Q., and Y.Q., all of whom are minors, is GRANTED. Michael B. Smith of Comfort
2 Davies Smith & Crawford P.S. in Tacoma, Washington is hereby APPOINTED as
3 Settlement Guardian Ad Litem for M.Q., G.Q., and Y.Q., and he shall discharge the
4 duties and obligations set forth in Local Civil Rule 17(c) and Washington Superior Court
5 Special Proceedings Rule (“SPR”) 98.16W. Mr. Smith shall be compensated at his
6 customary hourly rate for guardianship services, not to exceed a total of \$4,000 without
7 the Court’s prior approval.

8 (3) Mr. Smith shall file, under seal, within forty-five (45) days of the date of
9 this Order, a written report consistent with SPR 98.16W(e). No separate motion to seal
10 pursuant to Local Civil Rule 5(g) need be filed, but Mr. Smith shall serve a copy of his
11 report on all counsel of record via either U.S. mail or email, based on each attorney’s
12 preference, and file proof of such service.

13 (4) The Court DEFERS consideration of the parties’ stipulation, docket
14 no. 122, to dismiss plaintiffs’ claims against the individual defendants pending review of
15 Mr. Smith’s anticipated report.

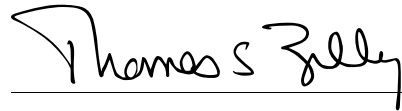
16 (5) The trial date of April 4, 2022, and all related dates and deadlines are
17 STRICKEN. The pending motions, docket nos. 64, 77, and 98, are STRICKEN without
18 prejudice to refile in the event that settlement is not perfected.

19 (6) The requirements of and the deadlines set forth in the Minute Order entered
20 December 2, 2021, docket no. 106, remain in full force and effect.

1 (7) The Clerk is directed to send a copy of this Order to all counsel of record.
2 Plaintiffs' counsel is DIRECTED to serve a copy of this Order on Mr. Smith and to file
3 proof of such service within seven (7) days of the date of this Order.

4 IT IS SO ORDERED.

5 Dated this 15th day of December, 2021.

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8 Thomas S. Zilly
9 United States District Judge
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